

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

JEFFERSON-PILOT LIFE INSURANCE  
COMPANY,

Plaintiff,

vs.

CHRISTOPHER L. KEARNEY,

Defendant.

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Case No. C-1-02-479

(Judge Spiegel)

(Magistrate Judge Hogan)

**MOTION FOR EARLIER**  
**HEARING DATE**

Now comes Plaintiff Jefferson-Pilot Life Insurance Company and respectfully requests that the hearing on the Cross-Motions for Summary Judgment be set for the earliest date possible on the Court's calendar. The Court has moved the date for the hearing for a second time. It is now not scheduled until August 4, 2004. Plaintiff respectfully requests that if an earlier date for oral argument is available, that the hearing be reset. Pending are Cross-Motions for Summary Judgment. The Cross-Motions demonstrate that there are no disputed issues of any material fact. As such, this case can and should be resolved on Motions. While these Motions are pending, Plaintiff continues to overpay Mr. Kearney. At the same time, Mr. Kearney believes that he

continues to be underpaid. It is in the best interest of both parties and the Court for speedy resolution.

Respectfully submitted,

s/William R. Ellis

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been filed with the Court by electronic means on this 28<sup>th</sup> day of May 2004. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/William R. Ellis  
William R. Ellis, Esq.

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